

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

October 22, 2008

The meeting was called to order at 4:06 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Terri Mills, and Jason Jones

ABSENT:

Brent Fuller, Phil Conder, and Mary Jayne Davis

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Shane Smith, Hannah Thiel, Jody Knapp and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately seven (7) people were in the audience

ZONE TEXT CHANGE APPLICATIONS:

ZT-10-2008

**West Valley City
3600 Constitution Boulevard
West Valley City, Utah 84119
Staff Report: Shane Smith**

Zone Text Change Affecting:

West Valley City Code 7-13-200P, Part 2 – 3500 South/Redwood Road Streetscape

West Valley City Staff is requesting an ordinance text change to 7-13-200P, Part 2 – 3500 South / Redwood Road Streetscape to provide for a different type of streetscape lighting than suggested by existing code be required from Redwood Road to 2700 West. Current West Valley City Code requires that a single type of streetscape lighting, the 'Teardrop' or pedestrian (sidewalk) lighting, be used between 2700 West and the Jordan River. This proposed change requires this same lighting between Redwood Road and the Jordan River, as this lighting has already been installed along portions of this corridor. This change would also require a different, 'Double Acorn' type of streetscape lighting between 2700 West and Redwood Road.

The Double Acorn type street lamps are expected to be installed by the Utah Department of Transportation and West Valley City upon completion of 3500 South road-widening project between 2700 West and Bangerter Highway. Additionally, these lamps are cheaper when considering the lengthened spacing, and they illuminate both the street and the sidewalk, whereas the pedestrian lighting only illuminates the sidewalk.

Streetscape Lighting Comparison

1800 foot corridor, one side of the street

	Streetscape lighting A	Streetscape Lighting B
Lightposts	20	12
Costs, approx. (\$)	50,000	42,000

Due to the angles of the light emanating from the lamps, a side by side comparison of light quality is difficult. The Sidewalk or Teardrop lamps emit and direct light downward in a conical shape, whereas the Double Acorn lamps emit and direct light more horizontal and downward. The horizontal angles as well as the internal cap that prevents the lamps from emitting light upward, both contribute to reduced light pollution. While the Double Acorn lights do illuminate the sidewalk, they are primarily meant to illuminate the street and will emit enough light to eliminate the 'Cobra Head' street lights. Additionally, the Double Acorn light posts will be located approximately 5 feet from the street curb in the park strip, whereas the Teardrop light posts are placed behind the sidewalk on the building buffer/setback.

The intent of this change is to continue to maintain consistency of street lighting along

3300/3500 South, while allowing for this more convenient and cost effective type of lighting.

Staff Alternatives

1. **Approval**, to affirm this change to the City Ordinance.
2. **Continuance**, to complete further research and/or resolve any questions.
3. **Denial**, for reasons determined through the public hearing

Applicant:

West Valley City

Discussion: Shane Smith presented the application. Terri Mills questioned whether the setbacks addressed in this ordinance would change at all. Shane replied that this amendment will only modify the type of lighting used and won't have any effect on the setbacks. He explained that the teardrop light structures will be behind the sidewalk and the double acorn light will be used to light both the road and the pedestrian walkways. There will need to be a buffer between the street and sidewalk because of this and the Public Works department requires at least a 5 foot separation from the road. Commissioner Mills questioned if the lighting will effect any landscaping. Shane explained that there is a 10 foot flexibility to move the light if there happens to be a tree at the proposed location. He added that the benefit of these lights is that they work for both the sidewalk and street and therefore some of cobra lighting can be removed. Jason Jones questioned how close trees are intended to be. Shane replied that he isn't sure because that is not addressed in this portion of the ordinance. Jack Matheson commented that usually trees can be spaced 30 feet apart.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-10-2008- Approved

ZT-12-2008

West Valley City

This is a proposed amendment to Sections 7-9-108 and 7-14-104 of the West Valley City Municipal Code regarding parking access and conversions for single or two-family dwellings.

Issues:

Staff feels language should be added to section 7-9-108 that would require a minimum width for an access to detached parking in the rear yard of a home. The language proposed is as follows:

- (2) Access drives for single or two-family dwellings with detached garages, carports or other parking areas located in the rear yard of the dwelling, which provide the minimum required parking spaces, shall be at minimum of 10' wide and improved per section 7-9-115 of the West Valley City Code.

This amendment also includes a change to section 7-14-104. The proposed amendment outlines requirements for converting parking spaces in single or two-family dwellings. Staff has typically required that whenever parking is converted to other uses that whatever is taken away, must be replaced some place else on the property. The text change to the ordinance will clarify this in more detail for residents of West Valley City as follows:

- (c) Any conversion of the required minimum off-street parking spaces to non-parking uses shall comply with the following standards.
 - (i) Must provide replacement parking, equivalent to the parking being eliminated, unless replacement parking, which is a 2 car garage minimum, already exists on the property.
 - (ii) The replacement parking shall be completed prior to the issuance of a certificate of occupancy for the converted parking space.
 - (iii) The replacement parking shall be continuously maintained and readily accessible from a public right-of-way.
 - (iv) The access to the replacement parking shall be completed per chapter 7-9 of the West Valley Municipal Code.
 - (v) If a garage door is present, it shall be removed along with and all necessary remnants, and the garage door opening finished with building materials and design details to match the existing house.
 - (vi) If the converted area is to be used for living space, it must be directly attached to the living space within the dwelling with an internal door or internal hallway connection.

- (vii) Parking conversions constructed prior to ORDINANCE EFFECTIVE DATE with a building permit are considered legal non-conforming.
- (viii) Parking conversions undertaken without a building permit, regardless of when it occurred, are considered illegal and construction of replacement parking may be required.

Staff Alternatives:

Approval, subject to the resolution of any issues raised at the public hearing.

Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

West Valley City

Discussion: Jody Knapp presented the application. Harold Woodruff clarified that a person would not be able to add a workshop or den to the side of a two car garage according to number six because in order to access it, the resident would have to go through the garage. Jody replied that this is correct but added that a workshop would be okay inside of a garage since this is a common activity. Any living space such as a den or office would need to be connected to another part of the home. Terri Mills stated that she has a concern with over-regulating as far as insisting that a carport be replaced where one existed before. She stated that conversion from garage to garage makes sense but requiring a carport to be replaced doesn't feel necessary, especially since many people and neighbors might feel that this is a disadvantage to their property. Chairman Woodruff questioned if a carport constructed prior to 1998 was removed, would a carport still be required as a replacement. Jody replied yes. Chairman Woodruff agreed with Commissioner Mills and stated that it doesn't feel appropriate to require a carport when it was never part of the ordinance in the first place. Jack Matheson stated that he would prefer it to be more strict by requiring a two car garage. Jason Jones agreed but added that he is not comfortable making that a requirement for homes built prior to 1998. Jack Matheson commented that he agreed it would be a burden to require the building of a garage. Chairman Woodruff commented that when commercial buildings are modified to a certain percentage they are required to be brought up to code.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for Approval

No one seconded the motion.

Chairman Woodruff called for a second motion.

Motion: Commissioner Mills moved for continuance to allow staff to explore options to adjust the dialogue regarding carports.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - ZT-12-2008– Continued

CONDITIONAL USE APPLICATIONS:

C-52-2008

**Arby's (William Moorman)
3215 West 3500 South
C-2 Zone (.81 Acres)**

The applicant, William Moorman, is requesting a conditional use amendment for a building and parking lot remodel for the Arby's at 3215 West 3500 South. The zoning for this area is C-2, General Commercial and is included in the City Center Vision Plan. The surrounding zone is C-2. The parcel to the west and south is currently undeveloped and there are gas stations located to the north and east.

3500 South will be widened adjacent to this location and the access along 3500 South will be limited to a right-in right-out only. Therefore the applicant is requesting to rework the flow of traffic throughout the site so that people have the ability to head west from this site or access it from west bound traffic along 3500 South. This reconstruction includes the following:

- Remodel the building sidewalks and entrance to provide a 12-foot driveway along the front of the building to create a looped drive around the entire building and provide access to the drive-thru area from 3200 West or allow people to exit on to 3200 West from the drive-up window.
- Remove landscaping along 3500 South and add additional landscaping along 3200 West and throughout the parking lot.
- Close the two northern most access points along 3200 West.
- Develop the southwestern portion of the site for parking and re-striping a majority of the parking lot. (38 stalls required, 41 proposed)
- Relocate the dumpster and reconstruct a 6' tall masonry enclosure.

- Remove the pole sign and replace with a monument sign.

The proposal submitted by the applicant shows that the two accesses along 3500 South will remain open. Staff recommends that the eastern most access along 3500 South be closed. This access is very close to the intersection and with the addition of the 12-foot drive lane along the front of the building staff feels this access is not necessary and should be removed and replaced with landscaping. The remaining access may need to be widened to accommodate right turns from this new drive lane so the design shall be coordinated with UDOT.

The site plan shows that the perimeter landscaping adjacent to the parking area is 3' and the minimum requirement is 5'. However staff feels that the additional landscaping along 3200 West and the landscaping added in the corners of the parking lot provide sufficient landscaping for the site and recommends that this area be planted with at least 50% live plant material.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The building, site, parking and landscaping shall be developed per the approved plan.
2. Landscape areas less than 8 feet wide shall not be planted in turf and shall include at least 50% live plant material.
3. The dumpster must be enclosed with a 6' masonry or concrete enclosure.
4. The pole sign shall be removed and if replaced with a monument sign it shall be constructed per Chapter 11 of the West Valley City Municipal Code.
5. The eastern most access along 3500 South shall be closed and replaced with landscaping and the remaining access design shall be coordinated with UDOT.
6. All requirements of affected departments and agencies must be met including UDOT and the West Valley City Public Works and Fire Department.

Continuance, to allow time for the applicant to submit additional information.

Applicant:
Ted Didas
6895 S. 900 E.
Midvale, UT 84047

Discussion: Jody Knapp presented the application. Harold Woodruff commented that this property is divided into four separate parcels and questioned whether it should be combined into a single one. Jody replied that this is an existing parcel but that requirement can be added as a condition for approval if the Planning Commission wishes.

Ted Didas, representing as the applicant, stated that this modification was brought about by UDOT'S widening of 3500 South and Arby's is simply trying to make the best of that situation. Mr. Didas stated that it is important to keep both existing access points open. He explained that UDOT indicated that they didn't have an issue keeping the access point open nearest the subdivision and added that Arby's will already be eliminating two access points as well as incorporating additional landscaping. He reiterated that this is not really being initiated by Arby's, but by UDOT's road widening. Mr. Didas questioned whether 2 signs will be allowed for each frontage. Jody replied yes. Mr. Didas stated that if it is allowed, Arby's will want two signs. He indicated that a traffic light is utilized at the easterly access the Planning Commission is concerned with and this should eliminate most traffic problems. Harold Woodruff commented that he has a difficult time understanding the value of this access point, especially since it can't be used to turn left. Mr. Didas replied that it's a preference that is especially important to Arby's and he hopes West Valley City has the good will to acknowledge that Arby's is already losing 2 access points off 3200 West.

Jack Matheson stated that from a traffic standpoint, the access point nearest the intersection is potentially dangerous because the person coming out will likely not see the person turning left from the east side of the intersection. Terri Mills questioned if the vehicle would be entering a right turn only lane if the access point remained. Jack Matheson replied yes. Terri Mills asked which access points would be closed. Chairman Woodruff indicated the access points on the site plan in the Planning Commissioner packets. Jason Jones agreed with the aforementioned conversation in that keeping the access point opened is cause for safety concern.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Jones moved for approval subject to the 6 staff conditions.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes

Chairman Woodruff Yes

Unanimous - C-52-2008- Approved

C-53-2008

**Jesus Perez Velasquez, Used Auto Sales
4319 West 3500 South
General Commercial (C-2) zone, 0.5 acres
Staff Presentation by Hannah Thiel, Planner I**

Background

Jesus Perez Velasquez is requesting a conditional use approval for a used auto dealership located at 4319 West 3500 South. The subject property was previously a restaurant/café use. A used auto sales business is a conditional use in the 'C-2' or general commercial zone. This property occupies 0.5 acres of land. The General Plan designates this property as General Commercial or Medium Density.

The applicant has noted in the attached letter that AutoClass would be open Tuesday through Sunday from 9 a.m. until 8 p.m. with four employees. It was indicated that at a future date they may be interested in expanding the business to include a mechanic, but would return to the Planning Commission for an amendment for auto repair on site. Currently, there is a wall sign on the building from the previous business that is over the maximum wall sign area allowable on the front elevation of a business. The West Valley City sign ordinance allows a maximum 15% of the front building elevation to be used for a wall sign and a maximum of 5% of the side and rear elevations be used for wall signage. There are no monument or pole signs on site and none are currently proposed. The existing sign appears to be placed in a former window casing. The window casings that still have glass in them have bars on the outside.

This property is currently no longer striped for parking stalls. The asphalt is worn and resembles gravel. The Public Works Department has indicated that they would require a Storm Water Management Plan to resurface the property with asphalt or concrete. Upon staff review of the submitted site plan, it became evident that the submitted site plan did not reflect the City ordinance for parking lot layout. Staff created a site plan that supplies 39 parking spaces for the site that would meet the City Ordinances. The proposed use requires a total of eight spaces not including any parking spaces needed to display cars for sale. The property located to the west of the subject property has an asphalt speed bump separating the properties. Cars seem to encroach on the subject property often when they park on the neighboring property.

The landscape onsite has not been maintained. There is a park strip area that had some xeriscaping that has been disregarded and has been overtaken with weeds and garbage. The City Code also requires a minimum of one tree per thirty feet of frontage in the front setback. The property is not completely fenced.

The building on the property is in need of maintenance. There are various florescent style

lights on the exterior of the building, there is an old sign indicating the 'lounge' entrance on the west side of the property as well as a 'café entrance' sign on the north side of the building, and there are two additions for the lounge entrance as well as a support structure for air conditioning on the south side of the building that are in disrepair and should be removed. The front entry way uses a flag stone type treatment that does not match the rest of the building in color or design.

The parcels on all sides of 4319 West 3500 South are zoned C-2 and are designated General Commercial or Medium Density under the General Plan. As the surrounding uses are zoned general commercial, staff does not see this use adversely affecting neighbors or neighboring zones.

Recommendations/ Staff Alternatives

I. Approval subject to any issues raised at the public hearing as well as the following conditions:

1. That the 'Midway Café' sign be removed from the front (north) elevation, and a window be placed in the window casing.
2. That a gable roof be placed over the front (north) entry way and that awnings be placed on the front elevation over the windows.
3. That all bars be removed from the windows.
4. That the building shall be painted meeting the Commercial Design Standard Ordinance regarding color variation.
5. That the entry way for the lounge be removed on the west side of the property.
6. That a four foot sidewalk be added as illustrated in the staff site plan adjacent to the west side of the building, for easy access to the building on the west side.
7. That the 'Café entry' and 'lounge entrance' signs be removed.
8. That the air conditioning unit addition on the south side of the building be reviewed and approved by the Building Inspections Department for compliance with the current building code.
9. That a fence be placed around the property, enclosing the property.
10. That landscaping be restored and meet the High Image Arterials Streets and landscaping Ordinances of the West Valley City Code. A minimum of three trees from the applicable list shall be placed in the front setback.

11. That four feet of landscaping be added along the front (north) west portion of the site, creating a buffer between the property to the west, as shown on the staff proposed site plan.
12. That a minimum of a 10" curb be built along the west property line adjacent to the four feet of landscaping.
13. That the applicant submit a building permit application for any new sign, and that the sign meet all regulations for signs contained in Title 11 of the West Valley City Code and be reviewed and approved by West Valley City, prior to obtaining a business license.
14. That the applicant acquire all necessary permits for any building or alterations to the building through Building Inspections, and the Fire Department prior to obtaining a business license.
15. That the applicant meet all requirements and acquire all necessary permits for the Engineering Department, in particular, for site drainage and storm water management. This would require the applicant to submit engineered drawings to be reviewed by the Engineering Department.
16. That any future parking spaces striped on the property are striped in accordance to West Valley City ordinances and that an accurate and scaled site plan is submitted prior to installation, indicating exactly where and how many spaces are added, modified, or removed.
17. That all cars shall be parked on hard surfacing (asphalt or concrete) and shall not be parked in any landscape area or any area not designated for parking, per the West Valley City Parking Ordinance.
18. That a valid West Valley City Business License be reviewed and approved prior to any business sales.
19. That the applicant shall return to the Planning Commission for an amendment to this conditional use when and if they wish to do any automotive repair work on site.
20. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

II. Approval subject to applicant building and site design plan submitted at the public hearing as well as the following conditions:

1. That the air conditioning unit addition on the south side of the building be reviewed and approved by the Building Inspections Department for compliance with the current building code.

2. That landscaping be restored and meet the High Image Arterials Streets and landscaping Ordinances of the West Valley City Code. A minimum of three trees from the applicable list shall be placed in the front setback.
3. That four feet of landscaping be added along the front (north) west portion of the site, creating a buffering between the property to the west, as shown on the staff site plan.
4. That a minimum of a 10" curb be built along the west property line adjacent to the four feet of landscaping.
5. That the applicant submit a building permit application for any new sign, and that the sign meet all regulations for signs contained in Title 11 of the West Valley City Code and be reviewed and approved by West Valley City, prior to obtaining a business license.
6. That the applicant acquire all necessary permits for any building or alterations to the building through Building Inspections, and the Fire Department prior to obtaining a business license.
7. That the applicant meet all requirements and acquire all necessary permits for the Engineering Department, in particular, for site drainage and storm water management. This would require the applicant to submit engineered drawings to be reviewed by the Engineering Department.
8. That any future parking spaces striped on the property are striped in accordance to West Valley City ordinances and that an accurate and scaled site plan is submitted prior to installation, indicating exactly where and how many spaces are added, modified, or removed.
9. That all cars shall be parked on hard surfacing (asphalt or concrete) and shall not be parked in any landscape area or any area not designated for parking, per the West Valley City Parking Ordinance.
10. That the applicant shall return for the Planning Commission for an amendment to this conditional use when and if they wish to do any automotive repair work on site.
11. That a valid West Valley City Business License be reviewed and approved prior to any business sales.
12. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

III. Continuance, for resolution of any issues that may arise at the public

hearing.

Applicant:

Jesus Perez Velasquez

Opposed:

Steve Cook

4318 W. Miera Lane

West Valley City, UT 84120

Discussion: Hannah Thiel presented the application. Harold Woodruff clarified that due to the dimensions of the driveway area, taking out the deed restricted portion precludes the applicant from having parking on one side. Hannah explained that staff sketched the dimensions with the total number of available parking spaces and stated that it is to scale. Chairman Woodruff asked what the difference is between the first and second staff alternatives. Hannah explained that the second one leaves off a lot of conditions regarding building architecture but both set of conditions require the restoration of the parking lot and implementation of a drainage plan. Jack Matheson questioned whether the building must meet commercial design standards. Hannah replied that it would only be required if the applicant spends \$50,000 or more but the conditional use amendment provides an opportunity to add conditions to get the building as close as possible to these standards. Commissioner Matheson commented that the front of the building is being fixed but the west elevation still appears to be very dull. Hannah agreed and stated that this is something that the commercial design ordinance addresses but there are 20 conditions for approval in staff alternative number one that got at as many as staff felt was fair and not too exceptional. She stated that the applicant could remove the entryway to the lounge so that more parking and sidewalk can be included. Commissioner Matheson questioned what can be done about the deed restriction. Nicole Cottle stated that it depends on the form of the document. Chairman Woodruff asked if the applicant would like to address the application and he responded no.

Steve Cook, a resident neighboring this property, stated that he is very concerned with this proposal. He explained that he is worried that a lot of noise will emanate from this business such as air systems, etc. He indicated that there are nine used car dealerships between Bangerter Highway and 4100 West and questioned whether any more are needed. He added that if West Valley Suzuki finally moves in there will be 10 used car dealerships within 10 blocks. Mr. Cook stated that if this use will be permitted at this location, it is important to have something to block sound from residents near it and questioned how late a potential repair center might be open. Hannah explained that there is no repair center proposed at this time and if the applicant wants to have one in the future, he would need to have a separate public hearing. Chairman Woodruff asked Nicole if there is a way to limit the number of a particular use. Nicole explained that this is conditional and permitted and would therefore be limited by virtue of zone. She added that legally at this time, additional used dealerships shouldn't be restricted yet. Chairman Woodruff questioned if there has been any input on noise. Hannah replied that she hasn't received any information regarding noise and how it may

affect the area. Chairman Woodruff asked what the piece of property is going east and west at the rear of the proposed auto shop. Mr. Cook stated that the property is owned by Ron Case and it is accessed off of 4400 West. Chairman Woodruff asked if it is unimproved. Mr. Cook explained that it is covered in weeds. Commissioner Matheson stated that a barrier would be nice since that is normally required near a residential area. He added that he would like to see a lighting plan and it is his opinion that the parking lot has poor drainage and that must be taken care of.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for continuance so that the applicant can present the Planning Commission with a lighting plan, building elevations, and a resolution on the cross access agreement.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous - C-53-2008- Continued

PLANNING COMMISSION BUSINESS

C-38-2007	The applicant is requesting an extension for their
Approved	conditional use approval due to the difficult
	economy as discussed in the Planning Commission
	Study Session on October 8, 2008

Approval of minutes from July 16, 2008 (Study Session) **Continued**

Approval of minutes from October 1, 2008 (Study Session) **Continued**

Approval of minutes from October 8, 2008 (Regular Meeting) **Continued**

There being no further business, the meeting adjourned at 5:02 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant